REMARKS

Status of the Claims

Claims 1, 2, 4-6, and 8-37 remain pending in the application, Claims 3 and 7 having been previously cancelled, and Claims 1 and 23 having been amended to more clearly define applicants' invention.

Claims Rejected Under 35 U.S.C. § 102(e)

In the Final Office Action dated December 16, 2004, the Examiner rejected Claims 1-2, 4, 8-18 and 22-34 as being anticipated by Leigh (U.S. Patent No. 6,728,787, hereinafter referred to as "Leigh") because the Examiner asserted that Leigh described each element of applicants' claimed invention. The Examiner considered applicants' arguments and amendment filed on March 14, 2005, but was not persuaded. Applicants respectfully request that the Examiner reconsider the claims in this application in view of the following discussion.

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on independent Claims 1 and 23. The patentability of each remaining dependent claim is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the Examiner's conclusion that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

Discussion of the Rejection of Independent Claim 1

Since Leigh includes multiple references to "reading" a network address from a peripheral device, it is apparent that Leigh does not teach or disclose providing a pointer to a location in an addressable memory of the peripheral device as recited in applicants' step(b). First, "a destination computer *reads* a device identification and *a network address from a peripheral device* connected to the destination computer" (Emphasis added, Leigh, Abstract). Second, "after the computer's

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operating system recognizes the device, the destination computer *reads the network address* and directs the computer's operating system towards a web site" (Emphasis added, Leigh, column 2, lines 1-4). Third, "the operating system 241 includes *code 245 for reading the network address* 232" (Emphasis added, Leigh, column 2, lines 50-51). Fourth, "the peripheral device 230, e.g., keyboards, mice, floppy/CD-ROM drives, displays, printers, video cameras, and the like, includes *a memory device 231 that is readable by the operating system* 241 or the application programs 243" (Emphasis added, Leigh, column 2, line 66 – column 3, line 3). Fifth, "in step 310, the destination computer, *using the code 245 of the operating system, reads the network address 232 stored in the memory device* 231, and engages the network interface 215, connecting the destination computer 200 to the network 150"(Emphasis added, Leigh, column 3, lines 20-24). As is apparent from the above multiple citations, the operating system in the destination computer includes code that enables it to access the memory device in the peripheral device and that enables it to read the network address directly from the memory device without regard to being provided a pointer to a specific memory address. Clearly, since there is no mention of a pointer being utilized in the above citations, one can infer that the code in the operating system reads the memory of the peripheral device in a sequential manner until the network address, is found. Therefore, Leigh's method of transferring the network address does not employ a pointer, unlike applicants' claimed method.

The Examiner also indicated that Fleming teaches "server 112 makes current driver 116 accessible at a location specified by URL 106 on network 111 (step 208). This allows current driver 116 to be retrieved by a requester across network 111" (Fleming, column 4, lines 42-45). Thus, it appears that the Examiner equated the word "requester" with an interaction with the user that involves making a request in order to access and retrieve the necessary driver from the network and hence, the Examiner asserted, Fleming discloses applicants' step (c), which recites requesting permission of a user to communicate with the source.

However, applicants still respectfully disagree with the Examiner's interpretation of the word "requestor" as used by Fleming. The term "requester" as used by Fleming does not relate to any request made of a user. The Examiner is relying on the root word "request" that is used in "requestor" by Fleming in reaching a conclusion that is entirely unjustified, based upon the context in which the word is used by Fleming and by the meaning of the word in this reference. In further support of applicants' position, the Examiner should note that Fleming teaches "Device 102 is inserted into computer system 108. Upon detecting device 102, computer system 108 reads URL 106

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from non-volatile memory 104 within device 102 and uses URL 106 to retrieve current driver 116 from server 112 across network 111. Current driver 116 is then *automatically* installed within computer system 108, thereby allowing device 102 to operate properly" (Fleming, column 4, lines 26-32). Thus, the term "requestor" clearly means that an automatic data request for the current driver is used to retrieve the driver over network 111. There is no interaction with the user indicated by Fleming, and the request for the driver happens in a fully automated manner.

The Examiner also asserts that according to Leigh, it is well known in the networking art, that "a user must respond to a series of queries or prompts to install the driver onto the computer" (Leigh, column 1, lines 40-42). Based on that statement, the Examiner concludes that there is no novelty in requesting the user permission to communicate with the source in order to obtain the desired data as claimed. However, Leigh teaches "Current installation procedures make it necessary for the user to perform many of these driver installation steps *manually*. For example, in the case of a floppy disk or CD-ROM, the user must *manually* insert the disk. Often, a user must then respond to a series of queries or prompts to install the driver onto the computer" (emphasis added, Leigh, column 1, lines 37-42). Hence, Fleming is discussing how current installation procedures require that a user carryout a manual installation of a driver stored on a disk, CD-ROM, etc. In contrast, applicants' claims recite obtaining user permission to communicate with the source from where a driver will be automatically installed. Applicants are not claiming user interaction during a manual installation of a driver on a local disk, CD-ROM, etc. In the claim recitation, after obtaining user permission to connect to a remote source, the process of installing the driver is automated. Claim 1 has been amended to clarify this distinction, which is not disclosed or suggest by the cited art, and the claim is thus patentable.

Discussion of the Rejection of Independent Claim 23

Independent Claim 23, which defines a system for automatically accessing information related to a peripheral device, distinguishes over Leigh for reasons similar to those discussed above in connection with Claim 1. Accordingly, Claim 23 has been amended has been similarly amended to clarify this distinction and is patentable over the cited art.

Because dependent claims inherently include all of the recitation of the independent claims from which the dependent claims ultimately depend, and because the art cited does not disclose or suggest all of the recitation of independent Claims 1 and 23, the rejection of dependent Claims 2, 4,

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8-18, 22, and 24-34 should be withdrawn because these dependent claims are patentable for at least the same reasons as Claims 1 and 23.

Claims Rejected under 35 U.S.C. § 103(a)

Claims 5-6, 19-21 and 35-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Leigh and in view of Fleming in the Office Action dated December 16, 2004. The Examiner asserted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Fleming reference with the Leigh reference to provide a device for utilization upon detection of its presence by automatically retrieving from the device a locator specifying the location (i.e., a network address) that is stored in the memory of the device and installing the device driver once it is retrieved. However, Claims 5-6, 19-21, and 35-37 depend from independent Claims 1 and 23, which are patentable for the reasons discussed above. Because dependent claims inherently include the recitation of the independent claims from which the dependent claims ultimately depend, dependent Claims 5-6, 19-21, and 35-37 are patentable for at least the same reasons discussed above with regard to independent Claims 1 and 23. Accordingly, dependent Claims 5-6, 19-21 and 35-37 are patentable.

In view of the amendments and Remarks set forth above, it will be apparent that the claims in this application define a novel and non-obvious invention, and that the application is in condition for allowance and should be passed to issue without further delay. Should any further questions remain, the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

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SKM/RMA:cmd

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